

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

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FCC MAIL ROOM

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CC Docket 92-77

Billed Party Preference

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For 0+ InterLata Calls

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COMMENTS OF MENDOCINO COUNTY CORRECTIONAL FACILITY

These comments are presented by Mendocino County Sheriff James Tusso, Undersheriff Larry K. Gander, and Inmate Services Coordinator Grant Barrett concerning the Mendocino County Sheriff's Correctional Facility located at 951 Low Gap Rd. Ukiah, California 95482.

We oppose the "Billed Party Preference for 0+ InterLATA Calls" choice directly to the inmates of our facility as such a mandate will not serve the public interests in the security and the continuation of rehabilitative programs within our facility.

I.

SECURITY INTERESTS SERVED BY SINGLE INMATE PHONE PROVIDER

1. While fraud is a major concern for any correctional facility administrator there are a multitude of other concerns of equal or greater importance that would be adversely affected by application of BPP to our correctional facility. It is crucial that each facility have the technological specialists necessary to respond immediately to daily security concerns presented by an increasingly sophisticated inmate population. There is no way that such specialists could be provided without the public/private partnership which currently exists under the single inmate phone provider system. BPP would eliminate the incentive for the private sector to provide us these specialists. A few representative examples of the security concerns currently serviced by our chosen inmate phone provider follow.

a) Call blocking on a continual basis allows us to "book" an inmate, and based upon the police report, we block specific numbers so that the new inmate will not be allowed to harass victims, witnesses, jurors, judges, or their spouses. The immediacy is crucial as this procedure can take place before the new inmate is given his "3 free calls" which could otherwise frustrate legitimate

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criminal justice concerns (ie. threatening a rape victim about testifying, calling wife to "persuade" her not to cooperate in domestic violence arrests, etc.). Without our chosen phone provider, who would provide this security feature?

b) Phone placement and damage repair issues are responded to quickly by our present inmate phone provider. Placement of inmate phones at distances sufficient to provide privacy during calls to family and attorneys or investigators is crucial to inmate morale within our facility as we cannot, consistent with security concerns, provide booths or partitions which would provide "blind areas" from inmate observation. The result of having several adjacent phones has been inmate fights to keep other, especially smaller, inmates away from the "phone bank" while in use by another inmate. As placement other than at a central point, having several adjacent phones, is more costly, who would provide this feature if we didn't have the leverage to choose our inmate phone provider?

c) In addition, inmate phones take greater abuse than normal pay phones, as handsets may be ripped off and key pads damaged. The inability to make calls from these damaged phones increases tensions within housing units, which ultimately results in altercations with correctional officers and other inmates. Our inmate phone provider, not only as a result of contract provisions, but also as a result of economic interest, has an incentive to repair these phones and keep them in service. Our provider does no economic analysis to determine if it should apply its limited resources to repair "outside", more individually productive, pay phones rather than our phones which present relatively cumbersome security measures and stressful working environment to its technicians (nobody likes to be in jail even if he knows he can leave). Without a negotiated repair procedure with a phone provider who shares our interests, who would make repairs in a timely manner?

2. We assert that if BPP is applied to inmate phones the above mentioned issues as well as numerous other security concerns unique to correctional facilities will be left inadequately addressed. This is so because our sheriff's office, like most others I can assure you, does not have the resources to address inmate phone issues when our deputies on patrol are suffering cutbacks

despite the level of public outrage concerning public safety. This is a "zero sum game" and the private/public partnership is necessary to maintain a handle on often unconsidered factors present in correctional facilities.

II.

REHABILITATION PROGRAMS PROVIDED BY COMMISSION AGREEMENTS

1. Currently the commissions received from our inmate phone provider contract constitute 78% of the funds used to provide rehabilitation counselling and educational resources in our facility.

These programs are a crucial intervention device in the nationwide battle against recidivism and the continued escalation of crime in our communities. It should be clear that we cannot afford to incarcerate at the present rate and must find a new solution. Each detention facility needs the threatened commissions to engage in programs aimed at breaking the cycle of criminal behavior through drug recovery, education, and personal counselling. Following are examples of programs provided by phone commission revenue at our detention facility.

a) Substance abuse and related issues such as: case management and counselling on alcohol and other drug abuse recovery techniques; men's alternative to violence; women's counselling group on parenting, nutrition, substance abuse, and domestic violence; Native American group addressing alcohol and drug abuse and cultural issues; etc.

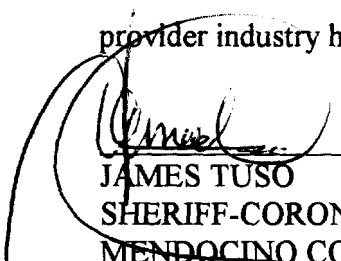
b) Adult education and G.E.D. preparation and testing. We provide a variety of adult education and vocational programs in basic work skills and co-worker interaction as well as self-paced interactive video-disc courses in specialized vocations such as electronics, hydraulics, small engine repair, etc. We also have computers and individualized instruction in basic reading and comprehension skills all made possible in a large part by phone commissions.

2. Who will fund these programs if the commission income is removed? And how shall any funds be allocated? Urban cities like Los Angeles, New York and Chicago who have the greatest political pull and most atrocious problems will most likely receive the bulk. We assert that if rehabilitation funds are to come from the government instead of individual private/public

partnerships, then smaller rural communities where rehabilitation and education are necessary to prevent the creation of new Los Angeles and Chicagos will be overlooked until it is too late for effective intervention.

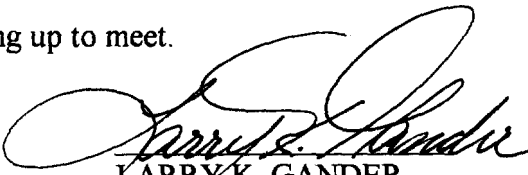
III. CONCLUSION

1. Solution - Exempt correctional facilities from BPP and abolish overcharging by a statutory ceiling on rates charged by inmate phone providers for collect calls made from correctional facilities.
2. Analysis - Many detention facility administrators are sensitive to the overcharging issue and contractually require that the inmate phone provider not charge in excess of statutory or fair rates for collect calls originating from their facilities. In our case we contractually required our provider not to exceed AT&T's rates. This allows our inmate phone provider to choose which long distance company to use, maximizing income, while not overcharging those accepting calls from our facility. Putting a ceiling on charges promotes fair competition within the inmate phone provider industry as it encourages profit maximization within acceptable parameters and in exchange requires the providers to develop the security features uniquely required by its customer, the detention facility.
3. Conclusion - It is clear that some unscrupulous inmate phone providers exist. We as administrators and you as regulators have identified the abuses. However, there are solutions, short of losing a valuable service which promotes a substantial public interest in detention facility security and rehabilitation programs, which deserve exploration. We must not regulate the bad, and necessarily the good, out of existence without first addressing the needs that the inmate phone provider industry has sprang up to meet.



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